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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

DENNIS MARTEL,

Plaintiff - Appellant,

v.

R. L. ANDREASEN, individually and as  
Chief Medical Office of CA Medical  
Facility; et al.,

Defendants - Appellees.

No. 07-16540

D.C. No. CV-04-00014-ALA

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the Eastern District of California  
Arthur L. Alarcón, Senior Circuit Judge, Presiding

Submitted March 18, 2009<sup>\*\*</sup>

Before: LEAVY, HAWKINS, and TASHIMA, Circuit Judges.

Dennis Martel, a California state prisoner, appeals pro se from the district court's summary judgment in his 42 U.S.C. § 1983 action alleging prison doctors

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<sup>\*</sup> This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

violated his Eighth Amendment rights by acting with deliberate indifference to his medical needs. We have jurisdiction pursuant to 28 U.S.C. § 1291. We review de novo. *Sanchez v. Vild*, 891 F.2d 240, 241-42 (9th Cir. 1989). We affirm.

The district court properly granted summary judgment on Martel's deliberate indifference claim because there was no genuine issue of material fact as to whether the treatments and recommendations given by prison doctors were medically unacceptable. *See id.* at 242 (holding that a difference of opinion about the best course of medical treatment does not amount to deliberate indifference).

The district court did not abuse its discretion by denying Martel's motion for appointment of counsel because the case did not present exceptional circumstances. *See Agyeman v. Corrs. Corp. of Am.*, 390 F.3d 1101, 1103 (9th Cir. 2004).

Martel's remaining contentions are unpersuasive.

All pending motions are denied.

**AFFIRMED.**